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9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 2010-531

14 **LEE ANN FRENCH**
255 N. Michigan Street, #3-11
15 Lawrence, KS 66044

A C C U S A T I O N

16 **Registered Nurse License No. 586859**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 **License History**

25 2. On or about September 6, 2001, the Board of Registered Nursing issued Registered
26 Nurse License Number 586859 to Lee Ann French ("Respondent"). The license was in full force
27 and effect at all times relevant to the charges brought herein and will expire on February 28,
28 2011, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

1 **CAUSE FOR DISCIPLINE**

2 **(Out-of-State Discipline)**

3 9. Respondent's license is subject to disciplinary action under Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Registered
5 Nursing License was disciplined by the Oregon State Board of Nursing ("Oregon Board"), in the
6 case entitled, *In the Matter of: Lee Ann French, RN License No. 200041087RN. 2005-002982,*
7 Case No. 09-390. On June 17, 2009, the Oregon Board made its Final Order adopting a
8 Stipulation for Reprimand of Registered Nurse License..

9 The underlying circumstances of the reprimand are that Respondent submitted a physical
10 examination form to a future California employer which stated she had completed a physical
11 examination. The truth and fact is that Respondent did not take the physical examination and had
12 forged her doctor's signature to the form.

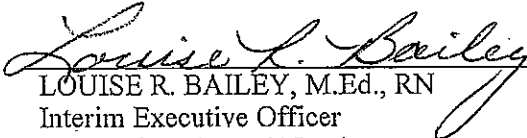
13 A copy of the Stipulation for Reprimand of Registered Nurse License and the Final Order
14 are attached as Exhibit A and incorporated herein.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Registered Nursing issue a decision:

- 18 1. Revoking or suspending Registered Nurse License Number 586859 issued to
19 Lee Ann French;
20 2. Ordering Lee Ann French to pay the Board the reasonable costs of the investigation
21 and enforcement of this case, pursuant to Code section 125.3; and,
22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: 4/21/10


LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

BEFORE THE BOARD OF NURSING
OF THE STATE OF OREGON

In the Matter of

Lee Ann French, RN
License No. 200041087RNSTIPULATION FOR REPRIMAND
OF REGISTERED NURSE LICENSE

Case No. 09-390

The Oregon State Board of Nursing, (Board) is the agency responsible for licensing and regulating Registered Nurses in the State of Oregon. Lee Ann French (Licnsec) is a Registered Nurse in the State of Oregon. The Board first issued her Registered Nurse license by endorsement from Kansas on September 19, 2000.

French signed a contract with a travel nursing agency in February 2009 for a job in California which was to begin the same month. French was rushed for time to complete the required paperwork while still working a full-time job in Kansas. The contract process required that she take a physical examination to show fitness for duty as well as a urine drug test.

In approximately December 2008, French had undergone a yearly physical examination with her longtime physician. When she realized she required a physical for her contract with the agency, she assumed he would just provide his signature and thus she did not allow for time to make an appointment with the doctor. French took the form to her physician's office with instructions to the doctor to sign and return it. In approximately three days, French received a call from the physician office stating that she would have to make another appointment and undergo another physical examination to satisfy the employment requirements. At this time she reluctantly made the appointment. The date of departure to California was quickly approaching and French stated that she remembers feeling very stressed.

French states that she was feeling pressure from the agency; her commute to and from her current job was very long and she had many skills tests and forms to complete. Her drug test was scheduled for the same date as her visit with her doctor so she cancelled the appointment for the physical. In order to meet the contractual requirements, she filled out the physical examination form; signed the doctor's name to it and submitted it to the agency for processing.

French states that she was in route from Kansas to California when she received a phone call from the agency. They informed her that during processing, the form was returned to the physician's office for verification and they discovered that it was not the physician's signature on the form. Furthermore it was learned that French had never made her appointment, thus there had been no exam. The agency informed French that her contract was being cancelled and that the forgery had been reported to law enforcement.

French stated that at the time there did not appear to be any other alternative but to forge the signature and submit the false report. Following the incident and subsequent cancellation of her contract, French remained unemployed for three months. She was dismissed from the care of her doctor and will not be contracted again by the agency. French is remorseful for her extreme error in judgment and is adamant that nothing like this has ever happened prior or will occur.

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again, French denies that she has any physical/mental disabilities or conditions which would limit her function as an RN.

French has repeatedly expressed her embarrassment related to her actions. She stated in her letter to the Oregon State Board of Nursing and to her physician that "signing off on that form was wrong and very regrettable" and "the worst decision I've ever made". She goes on to say that "I am the only one responsible for this action" and the "only thing I can do now to help right this is to cooperate fully with all persons involved".

French holds licensure in Oregon, California, Colorado, Virginia (compact state), Kansas and Missouri. She has never been disciplined in another state but the other states have been made aware of her actions. French has practiced as an RN since 1991 and works exclusively in the operating room area as a circulating nurse.

The above conduct is a violation of the provisions of ORS 678.111 (1) (f); OAR 851-045-0070 (3) (c); (4) (b).

ORS 678.111

- (1) Issuance of a license to practice nursing, whether by examination or by endorsement, of any person may be refused or the license may be revoked or suspended or the Licensee may be placed on probation for a period specified by the Oregon State Board of Nursing and subject to such condition as the Board may impose or may be issued a limited license or may be reprimanded or censured by the Board, for any of the following causes:

(f) Conduct derogatory to the standards of nursing

OAR 851-045-0070 Nurses, regardless of role, whose behavior fails to conform to the legal standard and accepted standards of the nursing profession, or who may adversely affect the health, safety, and welfare of the public; may be found guilty of conduct derogatory to the standards of nursing. Such conduct shall include, but is not limited to the following:

- (3) Conduct related to communication:

(c) Falsifying a client or agency record or records prepared for an accrediting or credentialing entity; including, but not limited to, filling in someone else's omissions, signing someone else's name, record care not given, and fabricating data/values.

- (4) Conduct related to achieving and maintaining clinical competency:

(b) Failing to conform to the essential standards of acceptable and prevailing nursing practice. Actual injury need not be established.

Licensee admits her conduct constitutes violations as described above and wishes to cooperate with the Board in resolving the present disciplinary problems.

Licensee understands that this Stipulation for Reprimand will be submitted to the Board for approval, and that it is subject to its confirmation.

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Licensee understands that, by entering into this Stipulation for Reprimand, she waives the right to an administrative hearing under ORS 183.310 to 183.550.

Licensee understands that this Stipulation for Reprimand will become a public record at such time as the Board issues an order implementing it.

THEREFORE, the following will be proposed to the Board and is agreed to by Licensee:

That the Registered Nurse license of Lee Ann French will be reprimanded.

Licensee, by her signature below, attests that she has read and understood this Stipulation for Reprimand, and declares that no promises, representations, duress, or coercion have been used to induce her to sign it.

Dated this 27 day of May, 2009

Lee Ann French RN
Lee Ann French, RN

FOR THE OREGON STATE BOARD OF NURSING

Linda Fisher Lewis
Linda Fisher Lewis, MA, DM
Program Executive Manager
Investigations and Compliance

Kimberly Wood RN
Kimberly Wood ESN, RN, BC
Nurse Investigator
Investigations and Compliance

BEFORE THE OREGON
STATE BOARD OF NURSING

In the Matter of)	
)	FINAL ORDER
Lee Ann French, RN)	
License No. 200041087RN)	Case No. 09-390
_____)	

The Oregon State Board of Nursing (Board) is the state agency responsible for licensing, regulating and disciplining certain health care providers, including Registered Nurses, in the State of Oregon. Lee Ann French (Licensee) is a Registered Nurse in the State of Oregon.

This Matter was considered by the Board on June 17, 2009. Licensee did not appear personally. The issue for the Board was whether to approve the Stipulation for Reprimand of Registered Nurse License signed by Licensee on May 27, 2009 and so dispense with this Matter pursuant to ORS 183.417(3).

Upon review of the Stipulation for Reprimand of Registered Nurse License and the agency file in this Matter, the Board finds that reasonable factual and legal grounds exist to support approval of the stipulation.

It is hereby ORDERED that the license of Lee Ann French, RN be reprimanded and that the Stipulation for Reprimand of Registered Nurse License signed by the Licensee on May 27, 2009 be approved and by this reference incorporated herein.

DATED, this 17th day of June, 2009.



James E. McDonald, RN, FNP
Board President